

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DALE REDIG,

Plaintiff,

v.

Case No. 13-C-155

**CAROLYN W. COLVIN,
Acting Commissioner of the Social Security
Administration,¹**

Defendant.

DECISION AND ORDER

Pursuant to 42 U.S.C. § 405(g), the Plaintiff, Dale Redig (“Redig”), filed an action for judicial review of the final decision of the Acting Commissioner of the Social Security Administration denying his application for Social Security Disability Insurance Benefits and Medicare for lack of disability. Redig also filed a petition for leave to proceed *in forma pauperis* in this action.

In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: 1) whether the litigant is unable to pay the costs of commencing the action; and, 2) whether the action is frivolous, malicious, fails to state a claim on which relief may be

¹The Complaint filed on February 13, 2013, names Michael Astrue, the Commissioner of the Social Security Administration as the Defendant in this action. On February 14, 2013, Carolyn W. Colvin (“Colvin”) was appointed as the Acting Commissioner of the Social Security Administration. Therefore, the Court has substituted Colvin as the Defendant in this action. See Fed. R. Civ. P. 25(d).

granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §§ 1915(a)(1) & (e)(2).

Redig's petition and affidavit to proceed *in forma pauperis* state that he has not been employed since October 2008, is not married, and has no legal dependents. He owns a 2004 Dodge Ram that he values at \$16,000.00 and a 1986 Bayliner Boat that he values at \$5,000.00. However, other than \$40.00 he does not own any stocks, bonds, notes, or other valuable property (excluding clothing and ordinary household items).

Redig lists no expenses. He indicates he receives food stamps which are only the only way he obtains food to eat. He also states that he has been trying to sell his boat since 2009, and he owes about \$2,400.00 in storage fees. He cannot drive his truck because he cannot pay for gasoline or insurance. He has to sign over his mobile home to the land owner for back rent.

Based on the information provided, the Court concludes Redig satisfies the requirements of § 1915. He is unable to pay the costs of commencing this action, and the action states a claim on which relief may be granted and does not appear to be frivolous or malicious.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Redig's petition for leave to proceed *in forma pauperis* (ECF No. 2) is
GRANTED.

Dated at Milwaukee, Wisconsin this 19th day of February, 2013.

BY THE COURT



Hon. Rudolph T. Randa
U.S. District Judge